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per email from Tim DeJulis dated 06/03/05.

cc:



State of Utah

Department of
Environmental Quality

Dianne R. Nielson, Ph.D.
Executive Director

DIVISION OF AIR QUALITY
Richard W. Spratt
Director

JON M. HUNTSMAN, JR.
Governor

GARY HERBERT
Lieutenant Governor

DAQE-IN2952003-05

May 12, 2005

Keith Thompson
COVOL Engineered Fuels LLC
10653 South Riverfront Parkway, Suite 300
Sandy, Utah 84095

Dear Mr. Thompson:

Re: Intent to Approve: Modification of Approval Order DAQE# AN2952001-03, by Adding
Equipment and Increasing Blended Coal Production, Carbon County – CDS B ATT; NSPS;
TITLE V Minor, Project Code: N2952-003

The attached document is the Intent to Approve (ITA) for the above-referenced project. ITAs are subject to public review. Any comments received shall be considered before an Approval Order is issued.

Future correspondence on this Intent to Approve should include the engineer's name as well as the DAQE number as shown on the upper right-hand corner of this letter. Please direct any technical questions you may have on this project to Mr. Tim De Julis. He may be reached at (801) 536-4012.

Sincerely,

Rusty Ruby, Manager
New Source Review Section

RR:TD:re

cc: Southeastern Utah District Health Department
Mike Owens, EPA Region VIII

STATE OF UTAH

Department of Environmental Quality

Division of Air Quality

**INTENT TO APPROVE: Modification of Approval Order
DAQE# AN 2952001-03 Adding Equipment**

**Prepared By: Tim De Julis, Engineer
(801) 536-4012
tdejulis@utah.gov**

INTENT TO APPROVE NUMBER

DAQE-IN2952003-05

Date: May 12, 2005

COVOL Engineered Fuels LLC

**Source Contact
Keith Thompson
(801) 984-9400**

**Richard W. Sprott
Executive Secretary
Utah Air Quality Board**

Abstract

Covol Engineered Fuels, LC (CEF), proposes to modify the existing, blended coal preparation plant in Wellington, Carbon County, by adding equipment items, and increasing annual production. The plant will process as much as 1,500,000 tons of coal per year, utilizing crushers, screens, and air tables to create three different quality, blended coal products. Carbon County is an attainment area of the National Ambient Air Quality Standards (NAAQS) for all pollutants. New Source Performance Standards (NSPS) apply to this source (40 CFR 60 Subpart A, and Subpart Y). National Emission Standards for Hazardous Air Pollutants (NESHAP) and Maximum Available Control Technology (MACT) regulations do not apply to this source. Title V of the 1990 Clean Air Act applies to this minor source. This source does not require a Title V operating permit.

The emissions, in tons per year, will change as follows: PM₁₀ (+ 7.12).

The changes in emissions will result in the following, in tons per year, potential to emit totals: PM₁₀ = 7.91

The Notice of Intent (NOI) for the above-referenced project has been evaluated and has been found to be consistent with the requirements of the Utah Administrative Code Rule 307 (UAC R307). Air pollution producing sources and/or their air control facilities may not be constructed, installed, established, or modified prior to the issuance of an Approval Order (AO) by the Executive Secretary of the Utah Air Quality Board.

A 30-day public comment period will be held in accordance with UAC R307-401-4. A notice of intent to approve will be published in the Sun Advocate on May 19, 2005. During the public comment period the proposal and the evaluation of its impact on air quality will be available for both you and the public to review and comment. If anyone so requests a public hearing it will be held in accordance with UAC R307-401-4. The hearing will be held as close as practicable to the location of the source. Any comments received during the public comment period and the hearing will be evaluated.

Please review the proposed AO conditions during this period and make any comments you may have. The proposed conditions of the AO may be changed as a result of the comments received. Unless changed, the AO will be based upon the following conditions:

General Conditions:

1. This Approval Order (AO) applies to the following company:

Corporate Office Location
Covol Engineered Fuels, LC
10653 South Riverfront Parkway, Suite 300
Sandy, Utah 84095

Phone Number (801) 984-9400
Fax Number (801) 984-9460

The equipment listed in this AO shall be operated at the following location:

1865 West Ridge Road, Wellington, Carbon County

Universal Transverse Mercator (UTM) Coordinate System: UTM Datum NAD27
4,374.55 kilometers Northing, 520.27 kilometers Easting, Zone 12

2. All definitions, terms, abbreviations, and references used in this AO conform to those used in the Utah Administrative Code (UAC) Rule 307 (R307), and Title 40 of the Code of Federal Regulations (40 CFR). Unless noted otherwise, references cited in these AO conditions refer to those rules.
3. The limits set forth in this AO shall not be exceeded without prior approval in accordance with R307-401.
4. Modifications to the equipment, or processes approved by this AO that could affect the emissions covered by this AO must be reviewed, and approved in accordance with R307-401-1.
5. All records referenced in this AO, or in applicable NSPS, which are required to be kept by the owner/operator, shall be made available to the Executive Secretary or Executive Secretary's representative upon request, and the records shall include the two-year period prior to the date of the request. Records shall be kept for the following minimum periods:
 - A. Emission inventories Five years from the due date of each emission statement or until the next inventory is due, whichever is longer.
 - B. All other records Two years
6. CEF shall install the various coal preparation equipment items listed in condition 8, and shall conduct its operations of the coal preparation plant in accordance with the terms, and conditions of this AO, which was written pursuant to CEF's Notice of Intent submitted to the Division of Air Quality (DAQ) on February 9, 2005, and additional information submitted to the DAQ on February 17, 2005, March 4, 2005, March 7, 2005, March 9, 2005, March 11, 2005, March 15, 2005, April 8, 2005, April 13, 2005, April 15, 2005, and April 19, 2005.
7. This AO shall replace the AO (DAQE-AN2952001-03) dated December 18, 2003.
8. The approved installations shall consist of the following equipment (or equivalent*):
 - A. Coal handling/ Preparation Equipment 40 CFR 60 Subpart Y
One (1) Crusher
One (1) Screen
Two (2) Feed Hoppers
Three (3) Air Tables
Various Conveyor Belts, or Radial Stacking Devices
 - B. Three (3) Fabric Filter Baghouses
 - C. One (1) Material Storage Silo
Capacity: 200 tons

- D. Various Off-highway Equipment items **
Front-end Loaders

* Equivalency shall be determined by the Executive Secretary.

** This equipment is listed for informational purposes only.

9. The three baghouses shall control process streams from the air cleaning tables. All exhaust air from the air cleaning tables shall be routed through one of the three baghouses before being vented to the atmosphere. All filtered material collected within each baghouse shall discharge to an enclosed conveyance device. The fabric filters installed in each baghouse shall have porosity of 0.5 micrometers, or use equivalent technology as determined by the Executive Secretary.
10. A manometer or magnehelic pressure gauge shall be installed to measure the differential pressure across the fabric filters in each baghouse. Static pressure differential across the fabric filter shall be between 1.5 to 6.0 inches of water column. The pressure gauge shall be located such that an inspector /operator can safely read the indicator at any time. The reading shall be accurate to within plus or minus 1.0 inches water column. The instrument shall be calibrated according to the manufactures instructions at least once every 12 months. Intermittent recording of the reading is required on a once per operational day basis.
11. CEF shall notify the Executive Secretary in writing when the installation of the equipment listed in Condition #8 has been completed and is operational, as an initial compliance inspection is required. To insure proper credit when notifying the Executive Secretary, send your correspondence to the Executive Secretary, attn: Compliance Section.

If construction and/or installation has not been completed within eighteen months from the date of this AO, the Executive Secretary shall be notified in writing on the status of the construction and/or installation. At that time, the Executive Secretary shall require documentation of the continuous construction and/or installation of the operation and may revoke the AO in accordance with R307-401-11.

Limitations and Tests Procedures

12. Visible emissions from the following emission points shall not exceed the following values:
- A. All crushers - 15% opacity
 - B. All screens - 10% opacity
 - C. All conveyor transfer points - 10% opacity
 - D. All baghouse exhaust stacks - 10% opacity
 - E. All other points - 20% opacity

Opacity observations of emissions from stationary sources shall be conducted according to 40 CFR 60, Appendix A, Method 9.

For sources that are subject to NSPS, opacity shall be determined by conducting observations in accordance with 40 CFR 60.11(b) and 40 CFR 60, Appendix A, Method 9.

13. The following limit shall not be exceeded:

1,500,000 tons of coal processed per rolling 12-month period

To determine compliance with a rolling 12-month total the owner/operator shall calculate a new 12-month total by the twentieth day of each month using data from the previous 12 months. Records of production shall be kept for all periods when the plant is in operation. Coal production shall be determined by examination of CEF billing records, and/or weight receipts. The records of coal production shall be kept on a daily basis.

Roads, and Fugitive Dust

14. The facility shall abide by all applicable requirements of R307-205 for Fugitive Emission and Fugitive Dust sources.
15. Visible fugitive dust emissions from haul-road traffic and mobile equipment in operational areas shall not exceed 20% opacity. Visible emissions determinations for traffic sources shall use procedures similar to Method 9. The normal requirement for observations to be made at 15-second intervals over a six-minute period, however, shall not apply. Six points, distributed along the length of the haul road or in the operational area, shall be chosen by the Executive Secretary, or the Executive Secretary's representative. An opacity reading shall be made at each point when a vehicle passes the selected points. Opacity readings shall be made 1/2 vehicle length, or greater behind the vehicle, and at approximately 1/2 the height of the vehicle, or greater. The accumulated six readings shall be averaged for the compliance value.
16. All unpaved operational areas that are used by mobile equipment shall be water sprayed, and/or chemically treated to control fugitive dust. An application of water, or chemical treatment shall be used. Treatment shall be of sufficient frequency, intensity, and duration to maintain the surface material in a damp/moist condition unless it is below freezing. The opacity shall not exceed 20% during all times the areas are in use. If chemical treatment is to be used, the plan must be approved by the Executive Secretary. Records of water, and/or chemical treatment shall be kept for all periods when the plant is in operation. The records shall include the following items:
- A. Date
 - B. Number of treatments made, dilution ratio, and quantity
 - C. Rainfall received, if any, and approximate amount
 - D. Time of day treatments were made
 - E. Records of temperature if the temperature is below freezing.
17. The in-plant haul roads shall be paved, and shall be periodically swept, or sprayed clean as dry conditions warrant, or as determined necessary by the Executive Secretary.

Records of cleaning paved roads shall be kept for periods the plant is in operation. The records shall include the following items:

- A. Date of cleaning(s)
 - B. Time of day cleaning(s) were performed
18. The haul road shall not exceed 0.69 miles in combined length, and the vehicle speed along the haul road shall not exceed 10 miles per hour.
19. The storage piles shall be watered to minimize generation of fugitive dusts, as dry conditions warrant, or as determined necessary by the Executive Secretary. Records of water, and/or chemical treatment shall be kept for all periods when the plant is in operation.
20. All conveyors, and radial stacking devices shall be covered, or enclosed along their length. The radial stacker conveyor drop, the truck loading chutes at the product storage silo, and the alternate product loading hopper shall be equipped with telescoping discharge tubes.

Federal Limitations and Requirements

21. In addition to the requirements of this AO, all applicable provisions of 40 CFR 60, New Source Performance Standards (NSPS) Subpart A, 40 CFR 60.1 to 60.18, and Subpart Y, 40 CFR 60.250 to 60.254 (Standards of Performance for Coal Preparation Plants) apply to this installation.

Records & Miscellaneous

22. At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any equipment approved under this Approval Order including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Executive Secretary which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source. All maintenance performed on equipment authorized by this AO shall be recorded.
23. The owner/operator shall comply with R307-150 Series. Inventories, Testing and Monitoring.
24. The owner/operator shall comply with R307-107. General Requirements: Unavoidable Breakdowns.

The Executive Secretary shall be notified in writing if the company is sold or changes its name.

This AO in no way releases the owner or operator from any liability for compliance with all other applicable federal, state, and local regulations including R307.

A copy of the rules, regulations and/or attachments addressed in this AO may be obtained by contacting the Division of Air Quality. The Utah Administrative Code R307 rules used by DAQ, the Notice of Intent (NOI) guide, and other air quality documents and forms may also be obtained on the Internet at the following web site:

<http://www.airquality.utah.gov/>

The annual emissions estimations below include point source, fugitive dust, and road dust emissions, and do not include fugitive emissions, tail pipe emissions, or grandfathered emissions. These emissions are for the purpose of determining the applicability of Prevention of Significant Deterioration, non-attainment area, maintenance area, and Title V source requirements of the R307. They are not to be used for determining compliance.

The Potential To Emit (PTE) emissions for CEF's Wellington coal preparation plant are currently calculated at the following values:

<u>Pollutant</u>	<u>Tons/yr</u>
PM ₁₀	7.91

The Division of Air Quality is authorized to charge a fee for reimbursement of the actual costs incurred in the issuance of an AO. An invoice will follow upon issuance of the final Approval Order.

Sincerely,

Rusty Ruby, Manager
New Source Review Section